

REMARKS

Present Status of the Application

This is a full and timely response to the outstanding non-final Office Action mailed on September 5, 2003. It is noted with great appreciation that the Office considers claims 21-22 as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action has also rejected claims 1, 3-8, 10-13, 17-20 under 35 USC 103(a) as being unpatentable over Present of Prior Art (PPA) in view of Tsui (US 2003/0027413).

Applicant has most respectfully considered the remarks set forth in this Office Action. Regarding the obviousness rejections, it is however strongly believed that the cited references are deficient to adequately teach the claimed features as recited in the presently pending claims. The reasons that motivate the above position of the Applicant are discussed in detail hereafter, upon which reconsideration of the claims is most earnestly solicited.

Discussion of Office Action Rejections

The Office Action rejected claims 1, 3-8, 10-13, 17-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA hereinafter) and Tsui (US 2003/0027413 A1).

Claims 1, 8 and 13 stand rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over AAPA and Tsui. As described in detail hereinafter, Applicants respectfully assert that AAPA in view of Tsui is legally deficient for the purpose of rendering claims 1, 8 and 13 unpatentable for at least the reason that not every element of the claim was taught or suggested by AAPA in view of Tsui such that the invention as a whole would have been obvious to one of ordinary skill in the art.

Tsui's application is directed to a method to improve the adhesion of an etch stop layer to copper. More specifically, Tsui teaches forming a silicon carbide adhesion layer 130 on the copper layer 120 (paragraph 9, Fig. 2) such that the adhesion of the subsequently formed etch stop layer to the underlying copper layer can be improved. Therefore, contrary to the Office's assertion, Tsui does not teach forming a silicon carbide layer on at least one layer of the inter-layer dielectrics and the inter-metal dielectric layer. Since Tsui's silicon carbide layer is directed to improve the adhesion to a copper layer, there is no explicit teaching or implicit suggestion in Tsui to form a silicon carbide layer on an inter-layer dielectrics or an inter-metal dielectric layer.

Customer No.: 31561
Application No.: 10/064,266
Docket NO.:7554-US-PA

For at least these reasons, Applicant respectfully asserts that claims 1, 8 and 13 and claims 3-7, 10-12 and 15-22 which utilize claims 1, 8 and 13, respectively, as a base claim patentably define over AAPA and Tsui. Reconsideration and withdrawal of this rejection on the now pending claims are respectively requested.

Customer No.: 31561
Application No.: 10/064,266
Docket NO.: 7554-US-PA

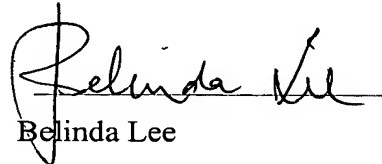
CONCLUSION

For at least the foregoing reasons, it is believed that the presently pending claims 1, 3-8, 10-13, 16-22 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office
7th Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, 100
Taiwan
Tel: 011-886-2-2369-2800
Fax: 011-886-2-2369-7233
Email: belinda@jciigroup.com.tw
Usa@jciigroup.com.tw